

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

March 26, 2015

A meeting of the Land Development and Transportation Committee was held on Thursday, March 26, 2015, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Vincent Jarboe, Chair
Donnie Blake, Vice-Chair
Jeff Brown

Committee Members absent were:

Carrie Butler
Cliff Turner

Staff Members present were:

John Carroll, Legal Counsel
Joseph Reverman, AICP, Planning Supervisor
Brian Davis, Planning & Design Supervisor
John G. Carroll, Legal Counsel
Matthew Doyle, Planner I
David Wagner, Planner II
Julia Williams, AICP, Planner II
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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Approval of Minutes

Approval of the March 12, 2015 LD&T Committee Meeting Minutes

On a motion by Commissioner Brown, seconded by Commissioner Blake, the following resolution was adopted:

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted Thursday, February 26, 2015.

The vote was as follows:

YES: Commissioners Blake and Brown.

NO: No one.

NOT PRESENT: Commissioners Butler and Turner.

ABSTAINING: Commissioner Jarboe.

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New Cases

Case No. 15STREETS1005

Request:	Street name change for northern portion of Sturbridge Circle to Sturbridge Place
Project Name:	Sturbridge Circle street name change
Location:	Northern portion of Sturbridge Circle at the intersection with Locust Creek Boulevard
Owner:	Louisville Metro
Applicant:	Creek Partners, LLC
Representative:	Sabak, Wilson & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

Case Manager: **Matthew Doyle, Planner I**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:03:20 Matthew Doyle presented the case and used a site plan to illustrate the location of the portions of the street to be renamed (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

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New Cases

Case No. 15STREETS1005

On a motion by Commissioner Blake, seconded by Commission Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby place this case on the Consent Agenda for the **April 2, 2015** Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Blake, Brown, and Jarboe.

NO: No one.

NOT PRESENT: Commissioners Butler and Turner.

ABSTAINING: No one.

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New Cases

CASE NO. 14SUBDIV1015

Request:	Preliminary Major Subdivision Plan
Project Name:	Monticello Manors, Section 2
Location:	9607 Gutenberg Road
Owner:	Phillip and Martha Leigh
Applicant:	Phillip Leigh Co.
Representative:	Mindel Scott & Associates
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer

Case Manager: **David B. Wagner, Planner II**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:05:38 David Wagner presented the case and used a site plan and aerial photos to illustrate the case (see recording and staff report for detailed presentation.) He discussed some “interested party” comments received yesterday, mostly regarding drainage.

00:12:24 In response to a question from Commissioner Brown, Mr. Wagner discussed Lot 65. The pond is part of the subdivision and will be covered by deed restrictions.

The following spoke in favor of the request:

Philip Leigh, 4518 Portico Court, Louisville, KY 40299

Todd Lanning, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

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Summary of testimony of those in favor:

00:14:16 Philip Leigh and Todd Lanning, the applicant and representative, said they were available to answer questions.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

00:15:04 Commissioners' deliberation.

00:15:21 On a motion by Commissioner Blake, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds, based on the evidence and testimony presented and the staff report, that all of the applicable Land Development Code regulations are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Preliminary Major Subdivision Plan, **SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All conditions requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these conditions to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these conditions. These conditions shall run with the land and the owner of the property and occupant of the property shall at all times be

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responsible for compliance with these conditions. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these conditions.

7. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
8. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
9. Prior to the recording of the record plat, a signature entrance plan shall be reviewed and approved by Planning and Design Services staff.
10. Lot 26 will remain a non-buildable lot unless it is consolidated with adjoining Lot 537 to the south or a portion of adjoining Lot 537 is annexed into this proposed subdivision.
11. The residual portion of adjoining Lot 65 to the north is not a part of this subdivision and is not subject to these conditions of approval.

The vote was as follows:

YES: Commissioners Blake, Brown, and Jarboe.

NO: No one.

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NOT PRESENT: Commissioners Butler and Turner.

ABSTAINING: No one.

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New Cases

CASE NO. 14ZONE1057

Request: Change in zoning from R-4 to R-5A; Detailed District Development Plan and Binding Elements; Preliminary Major Subdivision Plan; and Waivers.

Project Name: Ashton Park, Phase II

Location: 7504-7508 Beulah Church Road

Owner: Margaret D. Greenwell Revocable Trust

Applicant: Blacketer Company

Representative: Nick Pregliasco – Bardenwerper Talbott & Roberts PLLC
Land Design & Development, Inc.

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

Case Manager: **David B. Wagner, Planner II**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:16:21 David Wagner presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.)

00:21:08 Mr. Wagner discussed comments received from interested parties, particularly from Apple Valley subdivision residents. Primary concerns were street connections into the subdivision, speeding, increased traffic, possible increase in criminal activity in the subdivision, having a traffic light at Beulah Church Road, and opposition to the 25-foot buffer requirement.

00:26:37 In response to a question from Commissioner Blake, Mr. Wagner discussed the 25-foot buffer waiver request.

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CASE NO. 14ZONE1057

The following spoke in favor of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 10000 North Hurstbourne Parkway, Louisville, KY 40223

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Diane Zimmerman, Jacobs Engineering, 9911 Shelbyville Rd # 100, Louisville, KY 40223

Summary of testimony of those in favor:

00:28:43 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

00:30:38 Mr. Pregliasco said the applicant is willing to remove the proposed connections if needed, due to the opposition from Apple Valley residents. He also discussed the waiver request and said the applicant is willing to change that to 10 feet (a 15-foot reduction), again to address oppositions' concerns.

00:36:55 Ann Richard discussed the buffer, landscaping, screening, and some other site issues.

00:37:58 Mr. Wagner discussed opposition to the traffic light and clarified the landscape buffer area location.

The following spoke in opposition to the request:

Jeffrey Hall, 8384 Grand Trevi Drive, Louisville, KY 40228

David Steff, 7812 Applevue, Louisville, KY 40228

Summary of testimony of those in opposition:

00:39:14 Jeffrey Hall spoke in opposition to the waiver request, but in support of the street connections. Mr. Hall discussed proposed fencing.

00:42:15 David Steff, President of the Apple Valley Homeowner's Association, spoke in opposition to the street connections.

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00:44:19 Mr. Hall addressed one of Mr. Steff's comments regarding connectivity.

00:44:48 Mr. Pregliasco responded to the oppositions' comments, particularly those regarding connectivity, the waiver, keeping the stub street closed while construction was going on, and the requested fence.

00:46:53 Diane Zimmerman, an applicant's representative, discussed the traffic study and other traffic issues with Commissioner Brown.

00:51:39 Mr. Wagner added that he had received comments from the Kentucky Transportation Cabinet regarding this project.

00:52:10 Mr. Steff said Ms. Zimmerman's presentation dealt with residential traffic, not the outside traffic that would be generated if a cut-through was made available.

The following spoke neither for nor against:

No one spoke.

00:53:19 Commissioners' deliberation

00:57:40 The Committee by general consensus scheduled this case to be heard at the April 16, 2015 Planning Commission public hearing.

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New Cases

CASE NO. 14ZONE1061

Request:	Change in zoning from R-6 to EZ-1
Project Name:	Cane Run Road Facility
Location:	3650 Cane Run Road
Owner:	Tuffli Family Trust
Applicant:	Tuffli Family Trust
Representative:	Bardenwerper, Talbott & Roberts PLLC Mindel, Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green

Case Manager: **Julia Williams, AICP, Planner II**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:58:51 Julia Williams presented the case and used a site plan to illustrate the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 10000 North Hurstbourne Parkway, Louisville, KY 40223

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard Suite 101, Louisville, KY 40219

Summary of testimony of those in favor:

01:02:00 Nick Pregliasco, the applicant's representative, introduced Kathy Linares. Ms. Linares discussed the access points on the site.

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CASE NO. 14ZONE1061

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

The Committee by general consensus scheduled this case to be heard at the April 16, 2015 Planning Commission public hearing.

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The meeting adjourned at approximately 2:05 p.m.

Chairman

Division Director